UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,232	02/14/2002	Glen J. Anderson	P1846US01	2852

7590   10/07/2004

Attention: Kenneth J. Cool
GATEWAY, INC.
610 Gateway Drive, MD Y-04
N. Sioux City, SD 57049

EXAMINER
MISTRY, O NEAL RAJAN

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/076,232	ANDERSON ET AL.
	Examiner	Art Unit	
	O'Neal R Mistry	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2002*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 February 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This application has been examined.

Claims 1-28 are presented for examination.

Drawings

The Examiner contends that the drawings submitted on February 14, 2002 are

acceptable for the examination proceedings.

Double Patenting

Claims 1-11, 13-19, 21-26, & 28 provisionally rejected under 35 U.S.C. 101 as

claiming the same invention as that of claim1-25 of copending Application No.

09993972. This is a <u>provisional</u> double patenting rejection since the conflicting claims

have not in fact been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claim 1-7, 10-17, 20-24, 27-28 rejected under 35 U.S.C. 102(b) as being

anticipated by Mano et al. ((U.S. Patent Number 5,793,366).

2.   In regards to claim 1, Mano discloses monitoring a plurality of ports included on

the information handling system (col. 3 lines 2-10);

determining utilization by a device of a port of the plurality of ports, the device

communicatively coupled to at least one port of the plurality of ports(col. 3 lines 11-20);

and

configuring a user-interface operating on the information handling system based

on the determined utilization by the device of the port of the plurality of ports (col. 2 lines

60-62 & col. 3 lines 2-8).

3.   In regards to claim 2, Mano states determined utilization by the device of the port

includes which port of the plurality of ports to which the device is communicatively

coupled (col. 3 lines 20-31).

4.   In regards to claim 3, Mano states configuring includes arranging content

displayed on a display device of the information handling system, the content

corresponding to devices communicatively coupled to the ports in a manner

corresponding to usage by the devices of the ports (col. 3 lines 51-67 & Figure 4).

5.   In regards to claim 4, Mano discloses arranging includes positioning the display

of content in a priority based on the utilized ports (col. 4 line 64- col. 5 line 5).

6.   In regards to claim 5, Mano states the user-interface is arranged so that content

corresponding to a first device and content corresponding to a second device is

displayed based upon the ports utilized by the first device and the second device (col. 5

lines 9-16 & col. 5 lines 25-35).

7.   In regards to claim 6, Mano discloses priority is assigned to at least a portion of

the plurality of ports, the priority utilized to configure the user interface (col. 4 line 64 –

col. 5 line 6). The examiner interprets the claim in the broadest form when a external

device is set to be active by the user interface, the priority of the device is set higher

then any other external device. This would allow the graphical user interface to display

functions buttons that apply only to the external device.

8.   In regards to claim 7, Mano states the plurality of ports includes a first port

located on a front portion of a chassis of the information handling system and a second

port located on a rear-portion of the chassis of the information handling system (col. 3

lines 2-5). It is inherent, that when in a computer system has a plurality of ports, that

location of the ports can range from the front to the back of chassis of the information

handling system.

9.   In regards to claim 10, Mano discloses configuring the user interface based on

an output device communicatively coupled to the information handling system (Mano's

patent col. 4 lines 8-15).

10.   In regards to claim 11, Mano states configuring the user interface based on

applications operating on the information handling system (col. 4 line 64 –col. 5 line 1).

11.   In regards to claim 12, Mano states the monitored plurality of ports are arranged

in at least one grouping, the grouping utilized to configure the user interface (col. 4 lines

39-41).

12.   In regards to claim 13, Mano states A method of configuring a user interface of

an information handling system based on utilization of ports included with the

information handling system, comprising:

        monitoring a plurality of ports included on the information handling system(col. 3

lines 2-10;

determining utilization by a first device communicatively coupled to a first port

and a second device communicatively coupled to a second port of the plurality of ports

(col. 3 lines 11-20); and

configuring a display of a user-interface operating on the information handling

system based on the determined utilization of the first port and the second port of the

plurality of ports, wherein configuring includes arranging the user-interface so that

content corresponding to the first device and content corresponding to the second

device is displayed based upon the ports utilized by the first device and the second

device ports (col. 3 lines 2-8 & col. 3 lines 51-67 & Figure 4).

13.   In regards to claim 14, Mano discloses arranging includes positioning the display

of content in a priority based on the utilized ports (col. 4 line 64- col. 5 line 5).

14.   In regards to claim 15, Mano states the user-interface is arranged so that content

corresponding to a first device and content corresponding to a second device is

displayed based upon the ports utilized by the first device and the second device (col. 5

lines 9-16 & col. 5 lines 25-35).

15.   In regards to claim 16, Mano discloses priority is assigned to at least a portion of

the plurality of ports, the priority utilized to configure the user interface (col. 4 line 64 –

col. 5 line 6). The examiner interprets the claim in the broadest form when a external

device is set to be active by the user interface, the priority of the device is set higher

then any other external device. This would allow the graphical user interface to display

functions buttons that apply only to the external device.

16.   In regards to claim 17, Mano states the first port is located on a front portion of a

chassis of the information handling system and the second port is located on a rear-

portion of the chassis of the information handling (col. 3 lines 2-5). It is inherent, that

when in a computer system has a plurality of ports, that location of the ports can range

from the front to the back of chassis of the information handling system.

17.   In regards to claim 20, Mano states the monitored plurality of ports are arranged

in at least one grouping, the grouping utilized to configure the user interface (col. 4 lines

39-41).

18.

19.   In regards to claim 21, Mano discloses an information handling system,

comprising:

        a plurality of ports suitable for communicatively coupling the information handling

system to a device (col. 3 lines 2-10);

        a memory suitable for storing a program of instructions (col. 8 lines 1-24);

        a display device suitable for outputting a display of information (col. 8 lines 1-24);

and

        a processor suitable for performing a program of instructions, the processor

        communicatively coupled to the plurality of ports, the memory and the display

device wherein the program of instruction configures the processor to monitor the

plurality of ports so that utilization of the ports by devices is employed to cause the

processor to configure a display of a user interface so that content corresponding to

each of the devices is arranged based upon which of the ports is utilized by the devices. (col. 8 lines 1-24 & col. 4 line 64 – col. 5 line 5 & col. 3 lines 2- 8).

20.   In regards to claim 22, Mano discloses arranging includes positioning the display of content in a priority based on the utilized ports (col. 4 line 64- col. 5 line 5).

21.   In regards to claim 23, Mano states the user-interface is arranged so that content corresponding to a first device and content corresponding to a second device is displayed based upon the ports utilized by the first device and the second device (col. 5 lines 9-16 & col. 5 lines 25-35).

22.   In regards to claim 24, Mano states the plurality of ports includes a first port located on a front portion of a chassis of the information handling system and a second port located on a rear-portion of the chassis of the information handling system (col. 3 lines 2-5). It is inherent, that when in a computer system has a plurality of ports, that location of the ports can range from the front to the back of chassis of the information handling system.

23.   In regards to claim 27, Mano states the monitored plurality of ports are arranged in at least one grouping, the grouping utilized to configure the user interface (col. 4 lines 39-41).

24.   In regards to claim 28, Mano states An information handling system, comprising:

        means for communicatively coupling the information handling system to a peripheral device (col. 3 lines 2-10);

        means for storing a program of instructions (col. 8 lines 1-24);

means for displaying, the display means suitable for outputting a display of

information(col. 8 lines 1-24); and

means for processing, the processing means suitable for performing a program

of instructions, the processing means communicatively coupled to the communication

means, the memory and the display means wherein the program of instruction

configures the processing means to monitor the communication means so that

utilization of the communication means so that utilization of the communication means

by peripheral devices is employed to cause the processing means to configure a display

of a user interface on the display means so that content corresponding to each of the

devices is arranged based upon which of the communication means is utilized by the

devices (col. 8 lines 1-24 & col. 4 line 64 – col. 5 line 5 & col. 3 lines 2- 8)..

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.

> 4.   Considering objective evidence present in the application indicating
> obviousness or nonobviousness.

25.   Claims 8,9,18,19,25,26 rejected under 35 U.S.C. 103(a) as being unpatentable

over Mano et al (U.S. Patent Number 5,793,366), hereafter referred as Mano, in view of

Fujiyoshi et al (U.S. Patent Number 6,384,925), hereafter referred as Fujiyoshi.

26.   In regards to claim 8, Mano discloses a graphical user interface (GUI) that

displays graphical images representing devices connected to a bus structure. The bus

structure allows a compact disk (CD) changer, a magnetic disk (MD) recorder, a stereo

amplifier, a television, a video printer and a digital video cassette recorder (VCR), and

etc., to be connected to bus structure, which each unit that is connected to the bus is

graphically represented by the GUI. The images exhibited to the user are items

connected to the CPU by ports, and also lets the user view the information on each of

the units or lets the user have the ability to control the function of the each unit. Mano

fails to disclose the ability for the user to assign a priority to a particular port. Mano

allows a plurality of ports to change their priority, but does not allow the user to control

port 1 to have a only the priority of 1 (priority 1, meaning the highest priority) via a

graphical user interface.

Fujiyoshi discloses an information processing apparatus having the ability for

outputting data to a plurality of output units. The output units' information (i.e. unit's

name, port connection, and priority) is set via a graphical user interface which the user

inputs. After the information of the output unit is set, information processing apparatus

investigating every output unit to determine whether the output has developed any

problems. If problems do occur with output units a message will be displayed on the

graphical user interface to notify the user, which the information processing apparatus

will verify the additional plurality of ports to redirect information to other output units.

Fujiyoshi also states, "a higher priority is assigned the first port than the second port, the

priority utilized to configure the user interface (col. 4 lines 32-42).

It would have been obvious to a person of ordinary skill in the art at the time of

the invention was made to by adding this information process apparatus in Fujiyoshi's

patent into Mano's graphical user interface that reads/sends information from external

units via ports.

It modification would have been obvious because one of ordinary skill in the art

would have been motivated to search for a system that contains port manager controller

because this improves the network efficiency and fault tolerance of a network, and it is

desirable to display the status and settings of each port of an external device. Also one

of ordinary skill in the art would be motivated to investigate an information processing

apparatus that detects problems in ports of output units, has a the ability to set priority

by the user via a graphical user interface, and has the ability to redirection information

from a plurality of ports.

27.   In regards to claim 9, Fujiyoshi states configuring includes at least one of placing

a display of information in an order of priority and displaying information corresponding

to the location of the ports corresponding to devices connected to the information

handling system (col. 3 lines 32-42, col. 2 lines 52- 67, & Figure 3).

28.   In regards to claim 18, Fujiyoshi discloses a higher priority is assigned the first

port than the second port, the priority utilized to configure the user interface (col. 4 lines

32-42).

29.   In regards to claim 19, Fujiyoshi states configuring includes at least one of

placing a display of information in an order of priority and displaying information

corresponding to the location of the ports corresponding to devices connected to the

information handling system (col. 3 lines 32-42, col. 2 lines 52- 67, & Figure 3).

30.   In regards to claim 25, Fujiyoshi a higher priority is assigned the first port than

the second port, the priority utilized to configure the user-interface. (col. 1 lines 56-62 &

col. 2 lines 1-6).

31.   In regards to claim 26, Fujiyoshi states configuring includes at least one of

placing a display of information in an order of priority and displaying information

corresponding to the location of the ports corresponding to devices connected to the

information handling system (col. 3 lines 32-42, col. 2 lines 52- 67, & Figure 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to O'Neal R Mistry whose telephone number is (703) 305-

2738. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John W Cabeca can be reached on (703)308-3116. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

O'Neal Mistry
Assistant Patent Examiner
Art Unit 2173
o'neal.mistry@uspto.gov

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173